

After getting information, writers told material had been reclassified

Magazine editor Ellis Rubenstein and authors Stephen Green and Ralph McGehee have encountered headon a provision in the Reagan Executive Order which permits the government to reclassify as secret information that was previously open.

When Ellis Rubenstein, the editor of *Spectrum*, a magazine published by the Institute of Electrical and Electronics Engineering, received a free-lance article on the Army's high-technology weapons programs, he sent the manuscript to Gen. John O. Marsh, then Secretary of the Army, to verify a quote attributed to him.

"On April 1, when I returned a call to the Army public affairs office, I was asked whether I had access to a shredder," Rubenstein recalled in an interview. "When I asked why, they informed me the manuscript contained classified information and should be destroyed."

"I asked what information they were referring to. They asked me if I had a secure phone. When I said I didn't, they identified the passages by page locations rather than reading them to me. They turned out to be three phrases in a 39-page manuscript," Rubenstein explained. "When I told them I would check on the point of origin of the information in question, they

asked me to lock the manuscript in a safe place and call them as soon as possible."

Rubenstein subsequently told the Army that two of the phrases came from an Army publication "that is routinely made available to members of the press and public" and "the third phrase was taken from testimony by the then-Army Chief of Staff Lt. General Donald R. Keith in public session of Congress."

On April 5, the Army spokesman called Rubenstein and conceded the first two phrases were not, in fact, classified but added, "Lt. General Keith's testimony remains classified and should be deleted from the manuscript."

Rubenstein asked how the Army could classify open testimony in Congress.

"The spokesman explained that sometimes unclassified data, put together into a particular context, provides information, the sum of

which is greater than its parts. In such cases, government can reclassify unclassified material," Rubenstein related.

What was especially ironic, in Rubenstein's view, was that two of the phrases the Army wanted deleted were descriptions of Soviet rockets - information that originated in the Soviet Union.

About two years ago, Stephen Green, writing a book on tensions between the US and Israel, requested and received 47 pages of documents from the National Archives.

Several months later, Green received a call from Edwin Thompson, director of Records Declassification at the Archives, asking him to return the 47 pages so they could be copied and recorded.

In a telephone interview, Green, who is based in Montpelier, Vt., said he waited about five weeks for the material to be returned. It was not.

When he enlisted the aid of the American Civil Liberties Union, an Archives official told him the "initial reviewer had failed to identify... items that might not have been declassifiable." Shortly thereafter, the material was returned to Green - with 11 pages withheld and seven other pages substantially deleted.

It was only when the ACLU threatened to sue the Archives on Green's behalf that the material was returned to him. Green said he subsequently learned the Archives had been asked to reclassify the material by the Air Force and the State Dept.

Last March, former CIA agent Ralph W. McGehee published a

book strongly critical of CIA policies that, he claimed, resulted in the transmission of misleading intelligence designed to support the position of US policy makers.

In an appendix, McGehee described his three-year effort to get his manuscript approved by CIA censors.

One objection of the CIA's Publication Review Board (PRB) involved a section in which McGehee described early training and psychological testing of CIA recruits.

When McGehee pointed out that the same information had appeared in books by such pro-CIA authors as William Colby, Ray Cline and Allen Dulles, the censor countered that, "The [review] board said it had made a mistake

earlier when it had approved that information."

McGehee replied, "That's tough... It can't reclassify information."

The censor's response, said McGehee, was, "We're operating under a new order," referring to the Reagan order permitting reclassification. McGehee was able to publish the information by pointing out that the Reagan order was at that time still in draft form and had not yet officially taken effect.

In a telephone interview, McGehee said the prepublication review process at the CIA was used almost exclusively to pressure him to delete information that was not sensitive but was embarrassing to the agency.

In November, testifying before a House committee on President Reagan's prepublication review directive, McGehee said:

"From my experiences, I conclude that the CIA, reacting as any bureaucracy, uses prepublication review and spurious claims of national security to prevent the American people from learning of its illegal and embarrassing operations. It attempts to deny to the American people information essential to... our democratic processes. The CIA's efforts demonstrate what we can expect from other agencies given the same authority under President Reagan's Executive Order."

- ROSS GELBSPAN